President Trump Issues Proclamation Suspending Entry of Certain NonImmigrants into the United States

Tuesday, June 23, 2020

On June 22, 2020, President Trump issued a Proclamation, that will be effective on June 24, 2020, suspending the entry of those seeking to enter the United States in certain nonimmigrant statuses. The reasoning behind the issuance of this Proclamation is to not burden the American economy and the healthcare system while it is recovering from COVID-19 and to protect U.S. workers. He also extended the previous proclamation on Immigrant Visas through the end of 2020.

President Trump, through the Proclamation, declares the following:

**Extends the Immigrant Visa Proclamation:**

The Proclamation banning the entry of certain immigrants has been extended to the end of the year, Dec. 31, 2020, and may be continued as necessary. For more information, please visit our prior blog post.

**Effective Dates:**

The Proclamation will be effective as of 11:59pm June 24, 2020, and will expire Dec. 31, 2020. The Proclamation may be continued as necessary.
Application:

1 - The immediate suspension of nonimmigrants entering the United States who are outside the United States, for the following categories: H-1B (and dependents), H-2B (and dependents), J visa (for intern, trainee, teacher, camp counselor, au pair, or summer work travel program) and dependents; and L visa (and dependents). This applies only to those who are outside the U.S. on the effective date of the proclamation, do not have a nonimmigrant visa valid as of the effective date, and do not have an official travel document that was valid that permits entry into the United States.

2 - The Proclamation will not apply to the following: those who are lawful permanent residents; any person who is the spouse of child of a U.S. citizen; any person seeking to enter the U.S. to provide temporary labor or services essential to the U.S. food supply chain; or any person whose entry would be in the national interest.

Implementation:

The consular officer will be the one to make the decision in his or her discretion whether the applicant has established eligibility pursuant to the exceptions listed above. The Secretaries of State, Labor, and Homeland Security will be responsible for establishing the standards to define individuals who may be covered the exception of entry in the “national interest.” This could mean to include those who are critical to national security of the U.S., involved with medical care, medical research, or necessary to facilitate the continued economic recovery of the U.S.

Any person who attempts to circumvent the Proclamation through fraud, willful misrepresentation, or illegal entry will be assessed by DHS for removal. This Proclamation will not limit the ability of one to seek asylum, refugee status, withholding of removal, or protection under Convention Against Torture.

Additional Measures

In addition, the following agencies are tasked with the following:

1. Secretary of Health and Human Services: Provide guidance to implement measures to reduce the risk that aliens seeking admission could spread SARS-CoV-2 in the United States.

2. Secretary of Labor: Consider promulgating regulations for the PERM and H-1B programs.

3. Secretary of Homeland Security: Ensure that aliens seeking admission into the United States have registered biographical and biometrics information and ensure that prompt removal and deportation is conducted for those who have been ordered to do so. In addition, the promulgation of regulations for the H-1B program is recommended.

Timing:
The Proclamation will expire on Dec. 31, 2020, and may be continued as necessary.

Additional Notes:

Most U.S. consulates and embassies responsible for issuing immigrant visas are closed at the moment due to COVID-19 safety measures.

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